

60130-1179
00MRA0557**REMARKS**

Reconsideration and allowance are respectfully requested. Claims 1, 2, 5-7, 9, 10 and 12-26 stand finally rejected by the Examiner. Claim 11 was objected to. Applicants have amended claims 1 and 14 and have cancelled claim 15 without prejudice. No new matter has been added. The foregoing amendment and the following remarks place this application in condition for allowance or, in the alternative, in better form for appeal. Entry of this Amendment is therefore respectfully requested.

§ 102 rejection

Claims 1, 2, 5-7, 9, 10 and 12-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0 684 356 ("EP '356"). Applicant respectfully traverses this rejection.

Applicant has amended the claims for further clarification, but the amendments should not be construed as an admission that Applicant agrees with the Office Action's reasoning. Applicant reiterates all the arguments set forth in the previous response.

Applicant also reiterates that the Office Action sets forth an improper inherency argument and has not indicated how the claimed invention naturally flows from the teachings of EP '356. More particularly, the Office Action has not show how EP '356 remotely suggests that "two separate components are inherently operably disconnectable from each other" when EP '356 does not suggest disconnecting any of its components. Separate components are not operably disconnectable simply because they are separate, particularly when there is no reason taught in the EP '356 to disconnect them. Nothing in EP '356 leads one of ordinary skill in the art to recognize that the separate parts are indeed operably disconnectable when the device in EP '356 clearly indicates that all of the separate parts are interlocked together and intended to work interdependently (see, e.g., Figure 18). Operably disconnectable components therefore do not naturally flow from the teachings of EP '356, nor are they necessarily present in the device shown in EP '356 as required by MPEP § 2112.

Further, the Office Action has not shown how EP '356 discloses a forward stop device stop that is resiliently movable relative to a reverse stop device stop. Simply stating that any element has a degree of resiliency is not enough to disclose resilient stop device stops that are movable relative to each other in the claimed manner when the structure shown in EP '356

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clearly indicates that the stopper walls 8d and 8e will move together, maintaining their relative orientation with respect to each other, when the rigid actuating lever 8 is rotated. Nothing in EP '356 leads one of ordinary skill in the art to recognize that the stopper walls 8d and 8e are movable with respect to each other when EP '356 shows them as integral parts of a unitary, rigid actuating lever. Resilient stops that move relative to each other therefore do not naturally flow from the teachings of EP '356, nor do they naturally flow from the teachings of EP '356 as required by MPEP § 2112.

With respect to independent claims 1 and 14, the Office Action asserted that EP '356 discloses the claimed gear wheel (i.e., reduction gear 5), output element (i.e., cam 7) and resilient transfer device (i.e., elastic member 19). Applicant respectfully disagrees.

Applicant has amended claim 1 to recite that the gear wheel and the output element are both rotatable about the same gear axis and that the output member can be moved between first and second output positions independently of the gear wheel. Applicant has also clarified that the first and second output positions also correspond to first and second gear positions when the output member is moved by the gear wheel. As shown in Figures 16, 18, and 19, for example, it is impossible for the cam 7 to move independently of the reduction gear 5 between any positions due to the interlocking fit between the cam 7 and the gear 5. The entire operation shown in EP '356 relies on continual cooperation between the cam 7 and the gear 5; e.g., the movement of the cam 7 is always dependent on the movement of the gear 5 and vice versa. Thus, it is impossible for the cam 7 to move to a locked position without also moving the gear 5 (see, e.g., Figure 9; col. 9, line 49 to col. 11, line 7).

Claim 1, on the other hand, recites a structure where the output member can move between first and second output positions independently of the gear wheel. Because EP '356 assumes that its cam 7 and gear 5 are always interlocked, it is impossible to operably disconnect the cam 7 and the gear 5, thereby making it impossible for the cam 7 to move independently of the gear 5, let alone between first and second output positions that would ordinarily correspond to first and second gear positions of the gear wheel during the times when the gear wheel and output member are operably connected. EP '356 therefore fails to anticipate claim 1.

Applicant has incorporated the subject matter of claim 15 into claim 14 to clarify the way in which the claimed stop device conducts motor stoppage. EP '356 does not show the claimed

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stop device because EP '356 does not show any structure that acts operably between the gear wheel and chassis to stop a motor. Instead, EP '356 assumes that the motor energization and de-energization is conducted completely through a terminal 13, which lies completely outside any of the moving parts in its system (see, e.g., Figure 2; col. 7, lines 32-35; col. 9, lines 24-34; col. 10, lines 1-11). In other words, control of the motor in EP '356 is completely independent of any stop device or any other components.

~~Independent claim 14, by contrast, recites a stop device that is movable by an output~~
element and that operably acts between the gear wheel and chassis to stop the motor. Independent claim 14 therefore integrates motor operation within its structure rather than relying completely on outside control like EP '356. EP '356 therefore fails to anticipate claim 14.

With respect to independent claim 21, nothing in EP '356 indicates that the first and second stoppers 8d and 8e are movable relative to each other. Claim 21 specifically recites that the stops are movable "to allow the forward gear wheel stop to pass the reverse stop device stop and to allow the reverse gear wheel stop to pass the forward stop device stop." Even though EP '356 shows a spring having ends 702, 703 that may be resiliently deformed (Figures 22-28), this spring is not a part of the stoppers 8d, 8e and are therefore not resiliently movable relative to each other.

If, for the sake of argument, the ends 702, 703 could conceivably be considered the claimed stop device, these ends are not "resiliently movable" to allow any gear wheel stop to pass any stop device stop. As shown in Figures 22 through 25, when one projection 302 passes one end 702 of the spring, it does not deform the spring. Further, as shown in Figures 26 through 28, when another projection 303 deforms the other end 703 of the spring, the end 703 prevents the projection 303 from passing and pushes back against the projection 303. In other words, when the projection passes the spring, the spring does not deform, while when the spring is deformed, it does not allow the projection to pass.

Claim 21, by contrast, specifically recites a forward stop device stop resiliently movable relative to a reverse stop device stop to allow passage of gear wheel stops to pass the stop device stops. The resiliency allows passage of the gear wheel stops. Because EP '356 does not show two stops that are movable relative to one another or any resilient stop that allows (rather than prevents) passage of a gear wheel stop, EP '356 fails to anticipate independent claim 21.

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Because EP '396 fails to disclose every claimed element, EP' 356 does not anticipate claims 1, 2, 5-7, 9, 10 and 12-26. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-7, 9, 10 and 12-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,697,237 to Dilger et al. ("Dilger"). Applicant respectfully traverses this rejection.

~~With respect to independent claims 1 and 14, nothing in Dilger shows a drivable gear and~~
an output element that are rotatable about the same gear axis between first and second gear positions and first and second output positions, respectively. Instead, as shown in Figure 1, the driver disc 21 (which the Office Action equated with the claimed drive gear) and the output element 12 clearly rotate about different axes, making its system much less compact. Dilger therefore fails to anticipate claims 1 and 14.

With respect to independent claim 21, Applicant reiterates the arguments noted above and in the previous response with respect to inherency. Like EP '356, Dilger shows a unitary one-piece driver fork 19 having two prongs integrally formed therein. Nothing in Dilger remotely indicates that these prongs are resilient, let alone movable with respect to each other in the claimed manner. In fact, it is clear that the driver fork 19 must be rigid enough so that it will be move and not absorb forces applied to it by a driver pin (col. 3, line 46 to col. 4, line 6). Absent any disclosure or suggestion that the prongs are even movable, let alone movable past each other, Dilger fails to anticipate independent claim 21.

Because Dilger fails to disclose every claimed element, it does not anticipate claims 1-7, 9, 10 and 12-26. Withdrawal of the rejection is therefore respectfully requested.

§ 103 rejection

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Dilger in view of U.S. Patent No. 4,518,181 to Yamada ("Yamada"). Applicant respectfully traverses this rejection.

The Office Action admitted that Dilger fails to disclose a pin as a drive transfer device, but asserted that it would have been obvious to incorporate the pin shown in Yamada to teach the claimed invention. Applicant respectfully disagrees. As noted above, Dilger fails to show a

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drivable gear wheel and an output element that rotate about the same axis. Adding Yamada to Dilger still fails to teach the claimed invention because Yamada also shows a structure where a rotary disk 62 has a different rotational axis than a release lever 42. Thus, the combination fails to teach the claimed structure. Withdrawal of the rejection is respectfully requested.

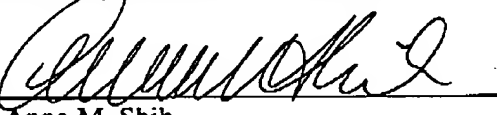
Applicant thanks the Examiner for indicating that claim 11 contains allowable subject matter. However, as noted above, none of the references disclose the claimed structure. Claim 11 ~~is therefore patentable without any amendment.~~

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306, on December 23, 2003.


Beth A. Beard